

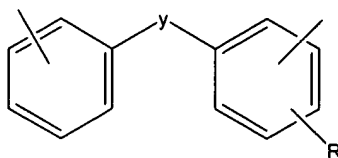
REMARKS

Applicants respectfully request reconsideration in view of the amendment and following remarks. Support for amended claim 1 can be found in the examples.

Claims 1, 2, 19-22, 24, 25, 27, 28 and 33-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozcayir et al. U.S. Patent No. 5,618,334 ("the '334 patent"). Claim 26 is rejected under 35 U.S.C. 102(b) as obvious over the '334 patent. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '334 patent. Claims 32 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '334 patent in view of Bikson et al. U.S. Patent No. 5,364,454 ("the '454 patent"). Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '334 patent in view of Kawakami et al. U.S. Patent No. 4,971,695 ("the '695 patent"). The applicants respectfully traverse these rejections.

The applicants appreciate that the Examiner has acknowledged that claim 23 is allowable.

All the claims are rejected over '334 alone or in combination with the '454 and '695 patents. The material disclosed in the '334 patent are polyimides copolymers in which the comonomer is formed by Ar₂. The definition of Ar₂ allows for



wherein Y can be =C-(CF₃)₂ and R can be —SO₃M (see claim 1). This overlapped with the applicants' previous claim 1. However, the applicants' amended claimed invention is different from the '334 patent because the '334 patent requires a polyimide (see the title, Field of Invention, Summary of the Invention, Detailed Description of the Invention and claims) and the applicants' claimed invention is a sulfonated aromatic polyetherketone polymer. A

polyetherketone polymer is not taught or suggested by the '334 patent. Therefore, the applicants' claimed invention is novel and non-obvious over the '334 patent.

The material of the applicants' claim 1 shows a reduced swelling in water. Since water is being formed in a fuel cell, the swelling behavior is essential. The '334 patent is further removed from the applicants' claimed invention because, the application in the '334 patent differs from fuel cells (they use it for gas separation where the swelling behavior is uncritical).

The '454 patent was just cited for the film casting. The '695 patent teaches polysulfones which do not have the mechanical properties compared to polyetherketones. Therefore the secondary references do render the applicants' claimed invention obvious. For the above reasons, these rejections should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

A two month extension has been paid. Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 08577-00038-US from which the undersigned is authorized to draw.

Respectfully submitted,

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